

**ROCK COUNTY BOARD OF ADJUSTMENT MINUTES
WEDNESDAY – APRIL 30, 2014
COURTHOUSE CONFERENCE CENTER
SECOND FLOOR, ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN**

Chair Jones called the April 30, 2014 meeting of the Rock County Board of Adjustment to order at 6:00 p.m. in the Courthouse Conference Center (CCC), 2ND Floor, Rock County Courthouse. Board of Adjustment members in attendance at roll call: Chair Don Jones, Henry Stockwell, J.P.Lengjak (Alternate) Harry O’Leary, and Jo Miller. Francette Hamilton was not in attendance.

Development staff in attendance: Colin Byrnes (Acting Planning Director/Zoning Administrator), and Adam Pritchard, Acting Secretary.

Citizens in attendance: Robert Leuenberger (R.H. Batterman), Ron Burdick (Rock County Airport Director), Ruth Arnold, Scott Arnold, and William Powell.

Adoption of Agenda: Motion by Jo Miller to adopt the agenda as presented. J. P. Lengjak seconded the motion. Motion approved 5-0

Reading and Approval of the Minutes – January 29, 2014: Motion by Hank Stockwell to approve the minutes as presented. J.P. Lengjak seconded the motion to approve the minutes. Minutes approved 5-0.

Reading and Approval of the Findings of Fact – January 29, 2014: Motion by Jo Miller to approve the Findings of Fact as presented. Hank Stockwell seconded the motion. Findings of Fact approved 5-0.

Announcements of Decisions – January 29, 2014: Chair Jones announced that the Bettie Pickens Family Trust variance request was denied; Todd Carter variance request was approved with conditions;

Communications: None at this time.

Reports of Committees: There were no reports of committees at this time.

Hendricks Land Development LLC Variance Request:

Chair Jones read into the minutes the public hearing notice and application. The applicant is requesting a variance to enable him to erect a bucket elevator servicing grain bins that will exceed the maximum height allowed by the Southern Wisconsin Regional

height Zoning Map. Sections 4.313(1)B of the Rock County Zoning Ordinance, Airport Overlay Zoning District need to be varied to allow a structure to exceed the elevation of 863 feet.

Robert Leuenberger of R.H. Batterman is representing the applicant. Mr. Leuenberger stated that Hendricks lease to tenants and that there will be no increase in truck traffic/noise.

Ron Burdick, Airport Director submitted as Exhibit A a letter stating the County's objection to the height variance. For safety purposes, variances to height are a concern due to keeping the airport protected from encroachment.

Mr. Arnold stated that the elevator is in private use and no local farms use the elevator.

Mr. Byrnes shared his report with the Board. He stated that staff is recommending denial due primarily to safety concerns with this site being an approach to the airport.

At this time Jo Miller made a motion to deny the variance. J.P. Lengjak seconded the motion. Motion to deny approved 5-0.

Findings of Fact to support the denial of the variance:

1. Unnecessary hardship does not exist because a strict and literal interpretation of the AZOD does not cause unnecessary hardship as the grain storage facility can still function. As stated by the Applicant "full efficiency...cannot be utilized without the proposed 100 foot bucket elevator. Therefore, grain can still be stored for the local agricultural community.
2. This is not a unique property limitation as height limitations are applicable to all development within the jurisdictional area of the AZOD and as stated no height variances shall be granted. This statement applies equally for any property that falls under the jurisdiction of this airspace management tool.
3. The protection of the public interest is jeopardized because with the issuance of a variance hampers current and future use of the public investment in the Southern Wisconsin Regional Airport. Any future expansion of the runways could be jeopardized by allowing a variance of this nature.

Unfinished Business: Mr. Byrnes stated that there are no pending cases for May.

New Business: Mr. Byrnes stated that terms of Don Jones and Harry O'Leary are coming up at the end of June, 2014. Both gentlemen agreed to serve another term.

Adjournment: Jo Miller made a motion to adjourn the April 30, 2014 meeting of the BOA. Harry O'Leary seconded the motion. Meeting adjourned at 6:49 p.m.

Respectively Submitted,

Adam Prichard
Acting Secretary

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE ROCK
COUNTY BOARD OF ADJUSTMENT**

FINDINGS OF FACT

Applicant:

Hendricks Land Development
655 Third St. Suite 301
Beloit WI 53511

Nature of Case:

The applicant is seeking a variance to Section 4.313(1)(B) of the Rock County Ordinance, Airport Overlay Zoning District. The applicant would like to construct a bucket elevator to an existing grain elevator. The existing elevator meets the height zoning restriction but adding the bucket elevator will cause the elevator to exceed the maximum height allowed in that cell by 15 feet.

Jo Miller made a motion to deny variance. J.P. Lengjak seconded the motion. Motion to deny approved 5-0

Findings of Fact:

1. Unnecessary hardship does not exist because a strict and Literal interpretation of the AZOD does not cause unnecessary hardship as the grain storage facility can still function. As stated by the Applicant "full efficiency...cannot be utilized without the proposed 100 foot bucket elevator. Therefore, grain can still be stored for the local agricultural community.

2.This is not a unique property limitation as height limitations are applicable to all development within the jurisdictional area of the AZOD and as stated no height variances shall be granted. This statement applies equally for any property that falls under the jurisdiction of this airspace management tool.

3.The protection of the public interest is jeopardized because with the issuance of a variance hampers current and future use of the public investment in the Southern Wisconsin Regional Airport. Any future expansion of the runways could be jeopardized by allowing a variance of this nature.